

Senate Engrossed

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
Senate
Forty-seventh Legislature
Second Regular Session
2006

CHAPTER 147

SENATE BILL 1048

AN ACT

AMENDING SECTION 13-3410, ARIZONA REVISED STATUTES; RELATING TO DRUG
OFFENSES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-3410, Arizona Revised Statutes, is amended to
3 read:

4 13-3410. Serious drug offender; sentencing; definitions

5 A. A person who is at least eighteen years of age or who has been
6 tried as an adult and who stands convicted of a serious drug offense and who
7 committed the offense as part of a pattern of engaging in conduct prohibited
8 by this chapter, which constituted a significant source of the person's
9 income, shall be sentenced to life imprisonment and is not eligible for
10 suspension of sentence, probation, pardon or release from confinement on any
11 basis until the person has served not less than twenty-five years or the
12 sentence is commuted.

13 B. A person who is at least eighteen years of age or who has been
14 tried as an adult and who stands convicted of a serious drug offense and who
15 committed the offense as part of the person's association with and
16 participation in the conduct of an enterprise as defined in section 13-2301,
17 subsection D, paragraph 2, which is engaged in dealing in substances
18 controlled by this chapter, and who organized, managed, directed, supervised
19 or financed the enterprise with the intent to promote or further its criminal
20 objectives shall be sentenced to life imprisonment and is not eligible for
21 suspension of sentence, probation, pardon or release from confinement on any
22 basis until the person has served not less than twenty-five years or the
23 sentence is commuted.

24 C. A person commits an offense as part of a pattern of engaging in
25 conduct prohibited by this chapter if the person's conduct involves at least
26 three criminal acts that have the same or similar purposes, results,
27 participants, victims or methods of commission, or otherwise are interrelated
28 by distinguishing characteristics and are not isolated events.

29 D. For the purposes of this section:

30 1. "Serious drug offense" means any violation of, ~~the provisions of~~
31 INCLUDING ANY ATTEMPT OR CONSPIRACY TO COMMIT A VIOLATION OF, section
32 13-3404.01, section 13-3405, subsection A, paragraphs 2 through 4, section
33 13-3407, subsection A, paragraphs 2 through 7 or section 13-3408, subsection
34 A, paragraphs 2 through 7 involving an amount of marijuana, dangerous drugs
35 or narcotic drugs having a weight that equals or exceeds the statutory
36 threshold amount, a felony violation of section 13-3406 or any violation of
37 section 13-3409.

38 2. "Significant source of income" means a source of income ~~which~~ THAT
39 exceeds twenty-five thousand dollars received during a calendar year without
40 reference to any exceptions, reductions or setoffs.

APPROVED BY THE GOVERNOR APRIL 17, 2006.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 17, 2006.